

Facsimile: (571) 273-1478Patent
Attorney's Docket No. 15309-1US MG/al**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Denis Faucher

Serial No.: 09/933,798

Filed: August 22, 2001

For: INTEGRAL WATERPROOFING MEMBRANE

Agent: Paul Marcoux

Group Art Unit: 1771

Attention: Mr. Terrel Morris

Tél: (418) 640-5988

PETITION UNDER 37 C.F.R. § 1.17Assistant Commissioner for Patents
Alexandria, VA 22313-1450 U.S.A.

Sir:

I refer to our telephone conversation of February 12, 2004.

In a previous telephone with Examiner Ruddock, we were told that our response to the Official Action of July 16, 2003 that was transmitted by facsimile on November 13, 2003 has not been connected to the Examiner's file.

To confirm the facsimile transmission of our response, please find enclosed the followings:

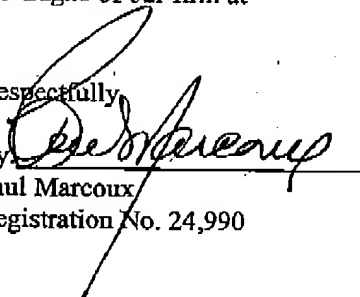
- 1- Copy of our response of November 13, 2003, including a Certificate of facsimile transmission;
- 2- Copy of a petition for a one-month extension also transmitted on the same date by facsimile;
- 3- Copy of an Interview Summary; and
- 4- Copy of an Auto-reply facsimile transmission dated November 13, 2003.

If there are any questions, please call Mr. Marc Gagné of our firm at (418) 640-5245.

Date: February 12, 2004

OGILVY RENAULT
1981 McGill College, Suite 1600
Montreal (Quebec)
Canada, H3A 2Y3
Tel.: (418) 640-5988

Respectfully,

By: 
Paul Marcoux
Registration No. 24,990

Patent

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Applicant: Denis Faucher

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Examiner: Ruddock, Ula Corinna

For: INTEGRAL WATERPROOFING MEMBRANE

Agent: Paul Marcoux

Tél: (418) 640-5988

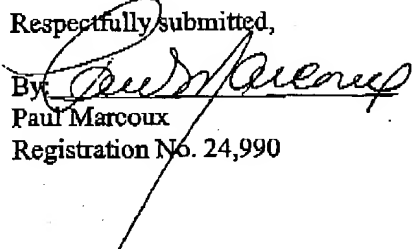
PETITION UNDER 37 C.F.R. § 1.17Assistant Commissioner for Patents
Alexandria, VA 22313-1450 U.S.A.

Sir:

This is being filed concurrently with a response to a Final Action.

A one-month extension of time for response to the Office Action from
October 16, 2003 to November 16, 2003 is respectfully requested.The Commissioner is hereby authorized to charge the amount of \$55.00 which
covers the fee for the one-month extension of time and any additional fees or credit
any overpayment to Deposit Account No. 19-5113.Date: November 13, 2003

Respectfully submitted,

By: 
Paul Marcoux
Registration No. 24,990OGILVY RENAULT
1981 McGill College, Suite 1600
Montreal (Quebec)
Canada, H3A 2Y3
Tel.: (418) 640-5988

Interview Summary	Application No.		Applicant(s)	
	09/933,798		FAUCHER, DENIS	
	Examiner		Art Unit	
	Terrel Morris		1771	

All participants (applicant, applicant's representative, PTO personnel):

(1) Terrel Morris (3) _____

(2) Jack Paavila (4) _____

Date of Interview: 04 November 2003

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____

Claim(s) discussed: Claim 1 specifically, all generically.

Identification of prior art discussed: Yamamoto


Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed the interpretation of the claims from the examiner's point of view and the applicant's intention. It was offered to put "directly" into the claim, to define the relationship of the impervious surfacing material to the water-proofing material. The Examiner indicated that such further definition would avoid the currently applied art.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

NOV-12-03 07:31 AM JACK.PAAVILA

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P.02

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.135 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135, (35 U.S.C. 132).

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Auto-Reply Facsimile Transmission



TO: Fax Sender at 418 640 1500

Fax Information
 Date Received: 11/13/2003 11:57:38 AM [Eastern Standard Time]
 Total Pages: 13 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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 Cover
 Page
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11/13 2003 11:58 FAX 418 640 1300		OGILVY RENAULT		0001	
No. 16392		Client No. 09500700-0000		Re No. 15309-105	
OGILVY RENAULT		Facsimile			
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Date:	November 13, 2003				
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E-Mail:	paulmarcoux@ogilvyrenault.com				
To	Company	City	Fax		
Via Corinna Rueland	USPTO	Washington	(703) 672-9310		
Message					
<p>Barbours & Schiller Patent & Trademark Agents</p> <p>300 Centre Alliance Suite 200 Quebec, Quebec Canada G1R 5T5</p> <p>Telephone (514) 693-5010 Fax (514) 693-1500 ag@barbours.com</p> <p>Containing the pending of Multiple Inventions Ogilvy & Renault Ogilvy & Renault</p>					
<p>PAGE 013 * RCVD AT 11/13/2003 11:57:38 AM [Eastern Standard Time] * SVR:USPTO-EFAXF-11 * DNIS:2731478 * CSID:418 640 1500 * DURATION 000-3512-36</p>					